

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

VIVIAN ROBERTSON	§	
v.	§	CIVIL ACTION NO. 2:06cv11
AMERICAN HERITAGE LIFE INSURANCE COMPANY	§	

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and a recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that Plaintiff's Motion for Partial Summary Judgment (document #10) be denied, that Defendant's Motion for Summary Judgment (document #15) be granted and that the case be dismissed with prejudice, subject to a post-judgment determination on the issue of attorneys' fees. Plaintiff filed written objections to the Report and Recommendation on May 26, 2006.

Having made a *de novo* review of the objections filed by Plaintiff, the Court finds that the findings, conclusions and recommendation of the Magistrate Judge are correct and the objections are without merit. Therefore, the findings and conclusions of the Magistrate Judge are hereby adopted as those of the Court.

In light of the foregoing, it is

ORDERED that Plaintiff's Motion for Partial Summary Judgment (document #10) is **DENIED** and Defendant's Motion for Summary Judgment (document #15) is **GRANTED**. It is accordingly

ORDERED that the above-styled lawsuit is hereby **DISMISSED** with prejudice, subject to a post-judgment determination on the issue of attorneys' fees.

All motions not previously ruled on are **DENIED**.

So ORDERED and SIGNED this 31st day of May, 2006.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE